

August 13, 2020

**BY ECF**

Honorable Katherine Polk Failla  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, N.Y. 10007

Re: *Uniformed Fire Officers Ass’n, et al. v. de Blasio, et al.*, 20 Civ. 5441 (KPF)

Dear Judge Failla:

We write to request leave to participate, in our individual capacities as former Civilian Complaint Review Board (“CCRB”) employees, to participate in briefings and at hearings as *amicus curiae* in the above-captioned matter.

As former policy counsel and investigators at the CCRB, we have unique information related to the importance of the CCRB database, and our participation will aid the Court in resolving this matter. The plaintiffs seek to prevent the CCRB from releasing disciplinary records that were previously exempt from disclosure. The statutory provision exempting these records, Civil Rights Law § 50-a, was repealed on June 12, 2020. In our capacity as policy counsel and investigators at the CCRB, we had extensive exposure to the contents of the database. We are qualified to discuss how the contents of the database are generated, their importance, and the public interest in disclosing these records.

We respectfully submit that as former but not current employees of the CCRB, our participation could be of assistance to the Court in resolving both legal and factual issues in this matter. *United States v. El-Gabrowny*, 844 F. Supp. 955, 957 (S.D.N.Y. 1994) (“The usual rationale for *amicus curiae* submissions is that they are of aid to the court and offer insights not available from the parties.”). Because we are no longer employed by the CCRB, we can offer our significant experience in working with the CCRB database and the minimal privacy interests in maintaining the now-repealed exemption, without fear of internal repercussions or ramifications. We can also offer unique insight into the process by which the CCRB investigates complaints. *Andersen v. Leavitt*, 2007 WL 2343672, at \*6 (E.D.N.Y. Aug. 13, 2007) (holding that an *amicus* brief was welcome where the *amicus* offered “a unique perspective.”). Further, because our collective agency experience spans 20 years, we can speak to issues that have transcended mayoral and agency administrations. Perhaps our most valuable contribution to this litigation, our brief intends to demystify the investigative and determination process for allegations of misconduct, such as why an allegation may receive an “unsubstantiated” allegation.

This matter concerns an issue of deep public importance. Not only are the issues of police transparency and accountability of paramount importance, but the plaintiffs are attempting to undermine the stated intent of the New York State Legislature. As former CCRB staffers, we have a longstanding commitment to these issues and to the CCRB's legal mandate. Accordingly, we respectfully ask that the Court permit us to participate in this matter. Moreover, courts in this district have frequently welcomed *amicus* submissions from relevant former employees of state or federal agencies and instrumentalities. *See, e.g., New York v. U.S. Immigration and Customs Enforcement*, 2020 WL 3067715 \*3, n.11 (S.D.N.Y. June 10, 2020); *State v. U.S. Immigration and Customs Enforcement*, 431 F.Supp.2d 377, 391 (S.D.N.Y. 2019); *Citizens for Responsibility and Ethics in Washington v. Trump*, 276 F.Supp.3d 174, 188 (S.D.N.Y. 2017).

If granted leave, we would file our *amicus* brief on August 14, 2020, the date the Court has set for written *amici* submissions. For these reasons, the undersigned<sup>1</sup> respectfully request leave to participate in the above-captioned action as *amicus curiae*.

Sincerely,

Janos Marton, Policy Counsel (2015-2016)  
Dan Bedoe, Investigator (2000-2007)  
Sarah Bridger, Investigator (2000-2003)  
Scott Carlton, Investigator (2017-2018)  
Perri Fagan, Investigator (2016-2018)  
Nathaniel Flack, Investigator (2016-2018)  
Emily Hebert, Investigator (2018-2019)  
Chart Rigall, Investigator (2018-2019)  
Erin Sweeney, Investigator (2014-2016)

Respectfully submitted,

By: /s/ Janos Marton

Janos Marton  
450 W. 47<sup>th</sup> St. Apt 2B New York, NY 10010  
(917) 848-6915 janosdmarton@gmail.com  
*Counsel for Former CCRB Employees*

By: /s/Jesse C. Rose

Jesse C. Rose (JR-2409)  
The Rose Law Group, PLLC  
3109 Newtown Ave; Suite 309  
Astoria, New York 11103  
*Co-Counsel to Janos Marton, Esq.*

cc: All Counsel (via ECF)

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<sup>1</sup> With the Court's permission, this list would expand to include additional former CCRB employees, who have only begun to engage with this process in the past few days, before the August 14 filing deadline.